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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,050	04/06/2001	Petr Peterka	GIC-555	2207

7590 02/12/2004
Barry R Lipsitz
755 Main Street Building 8
Monroe, CT 06468

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,050

Applicant(s)

PETERKA ET AL.

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/01/2001 and 07/09/2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 04/06/01.
2. Claims 1 - 24 have been examined.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

4. Claim 8 is objected to because of the following informalities: As used in claim the acronym "ITU -T X. 731", should be defined atleast once in the claims to prevent misinterpretation with other acronyms from other technologies or disciplines.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1 – 3, 5 – 7 & 9 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Parthasarathy USPN 6,347,398 B1.

Regarding claim 1, Parthasarathy anticipates, a method (Col.32: 65 – 33:55) A television set-top terminal (Col.3: 47), comprising:

Art Unit: 2122

a computer readable, medium having computer program code (FIG.1, see item # 12, 16, also see FIG.3); and

means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

the applications are registered and installed at the terminal (FIG.4, 76);

the API enables running and subsequent stopping of the applications (Col.19:60 – 67, see OnStartBinding and OnStopBinding); and

the API enables pausing of the applications once they are running, and subsequent resuming of the applications (Col.19:60 – 67, see OnStartBinding and OnStopBinding).

Regarding claim 2, the terminal of claim 1, wherein: a user is notified of the presence of the applications after registration and installation thereof (Col. 19: 23 – 25).

Regarding claim 3, the terminal of claim 1, wherein: said API enables the retrieval of the applications as downloadable software applications (FIG.4, 70).

Regarding claim 5, the terminal of claim 1, wherein:

said API is independent of an operating system and hardware of the terminal (Col. 16:45 – 50, platform independent).

Regarding claim 6, Parthasarathy anticipates a television set-top terminal, comprising:

a computer readable medium having computer program code (FIG.1, see item # 12, 16, also see FIG.3); and

means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

the applications are registered and installed at the terminal (FIG.4, 76); and

Art Unit: 2122

the API enables particular ones of the applications to advertise their respective states to other applications (Col.19:15 – 20).

Regarding claim 7, the terminal of claim 6, wherein:

a user is notified of the presence of the applications after registration and installation thereof (Col.19:23 – 25, see notification and IbindStatus-Callback Interface).

Regarding claim 9, the terminal of claim 6, wherein:

said API enables at least one of the other applications to access the advertised state of at least one of the particular advertising applications (Col.19:22 – 28, see notification and IbindStatusCode).

Regarding claim 10, the terminal of claim 6, wherein:

said API enables retrieval of version information associated with the applications (Col.32: 15 – 20, see control file and version information).

Regarding claim 11, Parthasarathy anticipates a television set-top terminal, comprising:

a computer readable, medium having computer program code (FIG.1, see item # 12, 16, also see FIG.3); and

means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

the applications are registered and installed at the terminal (FIG.4, 76); and
said locator is in the form of a Uniform Resource Locator (URL) (FIG.6, see step 100).

Regarding claim 12, the terminal of claim 6, wherein: API enables verification of the integrity of all of the applications (FIG.3, 62).

Regarding claim 13, Parthasarathy anticipates a television set-top terminal, comprising:

a computer readable, medium having computer program code (FIG.1, see item # 12, 16, also see FIG.3); and

Art Unit: 2122

means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (FIG.3, see 60, DATA DOWNLOAD MODULE for recover);

the applications are registered and installed at the terminal (FIG.4, 76); and

the API enables validation of the suitability of the applications for the terminal (FIG.6, 62 for validation see code verification module).

Regarding claim 14, the terminal of claim 6, wherein:

said API enables administrative locking and unlocking of the applications (Col.19:60 – 67, for locking and unlocking see OnStartBinding and OnStopBinding).

Regarding claim 15, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective alarm statuses thereof to other ones of the applications (Col. 19:55 – 65, see communicating status, reporting progress, also returning error codes).

Regarding claim 16, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective availability statuses thereof to other ones of the applications (Col. 19:55 – 65, see communicating status).

Regarding claim 17, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective procedural statuses thereof to other ones of the applications (Col. 19:55 – 65, see IbindStatusCallback and registering using RegisterBindStatusCallback).

Regarding claim 18, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective operational states thereof to other ones of the applications (Col.19:15 – 20).

Regarding claim 19, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective administrative states thereof to other ones of the applications (Col.19:15 – 20, see pass status information back to application program).

Art Unit: 2122

Regarding claim 20, the terminal of claim 6, wherein:

said API enables particular ones of the applications to advertise respective usage states thereof to other ones of the applications (Col.9: 45 – 53, see ModuleUsage and "...keep track of software components installed...").

Regarding claim 21, the method version of claim 1, see rationale as previously discussed above.

Regarding claim 22, the method version of claim 2, see rationale as previously discussed above.

Regarding claim 23, the method version of claim 6, see rationale as previously discussed above.

Regarding claim 24, the method version of claim 7, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy USPN 6,347,398 B1 as applied in claim 1 & 6, in view of Frailong et al. USPN 6,230,194 B1.

Regarding claim 4, Parthasarathy discloses all the claimed limitations as applied in claim 1 above. Parthasarathy doesn't expressly disclose retrieval of the applications as broadcast software applications. However, Frailong does disclose this in an analogous art (FIG.11 step 1104). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parthasarathy

Art Unit: 2122

and Frailong because, broadcasting applications in a distributed environment makes upgrading and installing components more efficient and timely.

Regarding claim 8, Parthasarathy discloses all the claimed limitations as applied in claim 6 above. Parthasarathy doesn't expressly disclose Said API provides an ITU -T X.731 based mechanism for monitoring and controlling the. However, Frailong does disclose this in an analogous art (Col.18: 35 – 37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Parthasarathy and Frailong because, using the ITU based mechanism would enable both one way and mutual authentication as well as facilitate security and reliable identification and encryption for downloaded data.

Correspondence Information

8. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be reached at (703) 305-4552.*

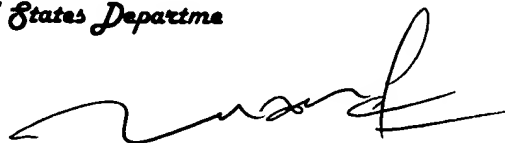
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 *and* 703-7467240 draft.

Chuck O. Kendall

Software Engineer Patent Examiner

United States Department



**TUAN DAM
SUPERVISORY PATENT EXAMINER**